

1 Judge James L. Robart
2 Magistrate Judge Brian A. Tsuchida
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10 UNITED STATES DISTRICT COURT
11 FOR THE WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

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14 ARTURO MARTINEZ BAÑOS, et al.,) No. 2:16-cv-01454-JLR-BAT
15 Petitioners-Plaintiffs)
16 v.) **JOINT MOTION TO STAY**
17) **PROCEEDINGS**
18 ELIZABETH GODFREY, et al.,)
19 Respondents-Defendants.)
20 _____)
21

22 On April 7, 2020, and June 1, 2020, the United States Circuit Court for the Ninth Circuit
23 issued its opinion and mandate affirming in part, reversing in part, and vacating in part this
24 Court's order adopting Chief Magistrate Judge Tsuchida's report and recommendation on the
25 parties' cross-motions for summary judgment, and remanding the case to this Court for further
26 proceedings. *See Flores Tejada v. Godfrey, et al.*, 954 F.3d 1245 (9th Cir. 2020). Thereafter, on
27 June 12, 2020, this Court issued an order asking the parties to file, within fourteen days, a joint
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JOINT MOTION TO
STAY PROCEEDINGS

(Case No. 2:16-cv-01454)

Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868 Ben Franklin Station
Washington, D.C. 20044
(202) 305-7181

1 status report proposing how the Court should proceed on remand. The parties, by and through
 2 their undersigned attorneys of record, move this Court to stay proceedings in this case until the
 3 time to file a petition for a writ of certiorari before the Supreme Court of the United States has
 4 elapsed.

5 The Supreme Court of the United States issued a miscellaneous order on March 19, 2020,
 6 extending the time to file petitions for writs of certiorari. Specifically, in light of the public
 7 health concerns related to COVID-19, the Supreme Court ordered that “the deadline to file any
 8 petition for a writ of certiorari due on or after the date of this order is extended to 150 days from
 9 the date of the lower court judgment, order denying discretionary review, or order denying a
 10 timely petition for rehearing. See Rules 13.1 and 13.3.” *Miscellaneous Order*, 592 U.S. __
 11 (Mar. 19, 2020).¹ The Ninth Circuit published its Opinion in this case on April 7, 2020, after the
 12 Supreme Court’s March 19, 2020, miscellaneous order. As such, the time to file a petition for a
 13 writ of certiorari in this case is still running and will not elapse until September 4, 2020.
 14

15 In the interests of justice and judicial economy, the parties thus jointly ask this court to
 16 stay all proceedings in this case until September 5, 2020, when the time to file a certiorari
 17 petition before the Supreme Court has elapsed as Defendants are currently determining whether
 18 they will file a petition for certiorari in this matter. Entry of an order granting this joint request
 19 will not prejudice the class members’ interests as they will continue to receive bond hearings
 20 after 180 days of detention.
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23 Dated: June 24, 2020

24 Respectfully submitted,

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 26 JOSEPH H. HUNT
 Assistant Attorney General
 Civil Division

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 28 ¹ https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf (last visited, June 23, 2020).

JOINT MOTION TO
 STAY PROCEEDINGS

(Case No. 2:16-cv-01454)

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25 JOINT MOTION TO
26 STAY PROCEEDINGS

27 (Case No. 2:16-cv-01454)

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10 UNITED STATES DISTRICT COURT
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12 AT SEATTLE

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14 ARTURO MARTINEZ BAÑOS, et al.) No. 2:16-cv-01454-JLR-BAT
15 Petitioners-Plaintiffs)
16 v.) **ORDER GRANTING JOINT**
17) **MOTION TO STAY**
18) **PROCEEDINGS**
19 ELIZABETH GODFREY, et al.,)
20 Respondents-Defendants.)
21 _____)

22 The Court, having reviewed the pleadings and materials in this case, it is hereby
23 **ORDERED** that:

24 The Joint Motion to Stay Proceedings is GRANTED. Proceedings in this case are stayed
25 until September 5, 2020. The parties shall file a joint status report advising the court of the
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28 ORDER GRANTING JOINT MOTION TO
STAY PROCEEDINGS

(Case No. 2:16-cv-01454)

JLR

1 status of this matter by no later than September 5, 2020.

JLR

2 DATED this 25th day of June, 2020.

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7 JAMES L. ROBART
8 District Judge
9 United States District Court
10 Western District of Washington

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14 Presented by:

15 GLADYS M. STEFFENS GUZMÁN

16
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28 ORDER GRANTING
JOINT MOTION TO STAY PROCEEDINGS

(Case No. 2:16-cv-01454)